

IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

Case No.: _____

IN RE: THE GUARDIAN ADVOCACY OF

Name of Person with a Developmental Disability

ORDER APPOINTING GUARDIAN ADVOCATE OF THE PERSON
(Form H)

Upon consideration of the Petition for the Appointment of Guardian Advocate(s) of the Person, the Court finds that _____, the person with a developmental disability, has a developmental disability of a nature which requires the appointment of a Guardian Advocate of the person based upon the following findings of fact and conclusions of law, as required by §393.12(8), Florida Statutes:

1. The nature and scope of the person's lack of decision-making ability are:

2. The exact areas in which the person lacks decision-making ability to make informed decisions about care and treatment services or to meet the essential requirements for his or her physical health and safety are:

- to determine his or her residency
- to consent to medical, dental, surgical care and mental health treatment
- to apply for government benefits
- to make decisions about his or her social environment or other social aspects of his or her life; and
- to make decisions regarding education.

3. The specific legal disability to which the person with a developmental disability is subject to is:

4. The Petitioner is selected as Guardian Advocate because: _____

5. There are no alternatives to guardian advocacy, such as trust agreements, powers of attorney, designation of health care surrogate, or other advanced directive, known to petitioner that would sufficiently address the problems of the person with a developmental disability in whole or in part. Thus, it is necessary that a guardian advocate be appointed to exercise some but not all of the rights of the person with developmental disability.

6. Without first obtaining specific authority from the Court, pursuant to §744.3215(4) and §744.3725, Florida Statutes, the Guardian Advocate may not:

- a) commit the person with a developmental disability to a facility, institution, or licensed service provider without formal placement proceedings, pursuant to Chapter 393, Florida Statutes;
- b) consent to the participation of the person with a developmental disability in any experimental biomedical or behavior procedure, exam, study, or research;
- c) consent to the performance of a sterilization or abortion procedure on the disabled person;
- d) initiate a petition for dissolution of marriage for the person with developmental disability; or
- e) exercise any authority over any health care surrogate appointed by any valid advance directive executed by the disabled person, pursuant to Chapter 765, Florida Statutes, except upon further order of this Court.
- f) consent to termination of life support systems provided for the person with a developmental disability;

ORDERED & ADJUDGED:

1. _____ (*Name of Guardian Advocate*) is qualified to serve as Guardian Advocate of the person and is hereby appointed as Guardian Advocate

of the Person of _____, the person with a developmental disability.

2. The powers and duties delegated to the Guardian Advocate are:
 - to determine his or her residency
 - to consent to medical, dental, surgical care and mental health treatment
 - to apply for government benefits
 - to make decisions about his or her social environment or other social aspects of his or her life; and
 - to make decisions regarding education.
3. The Guardian Advocate shall exercise only the rights that the Court has found the disabled person incapable of exercising on his or her own behalf, as outlined herein above. Said rights are hereby removed from the person with a developmental disability and specifically delegated to the Guardian Advocate.
4. Upon taking and filing the prescribed oath, conditioned on the faithful performance of all duties by the Guardian Advocate, letters of Guardian Advocacy shall be issued.

DONE AND ORDERED in Chambers at Sanford, Seminole County, Florida, this _____ day of _____, 20__.

Circuit Judge

(Or if using Eportal)

DONE and ORDERED on DDDD in Chambers in Sanford, Seminole County, Florida.

JJJJ